

14.1

ORDINANCE NO. 3860

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING IN FULL  
CHAPTER 10-33 OF THE SANTA ROSA CITY CODE ENTITLED "PUBLIC FINANCING  
OF COUNCIL ELECTION CAMPAIGNS"

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

**Section 1.** Chapter 10-33 of the Santa Rosa City Code entitled "Public Financing of Council Election Campaigns," is amended to read in full as follows:

**"Chapter 10-33**

**PUBLIC FINANCING OF COUNCIL ELECTION CAMPAIGNS**

**Sections:**

- 10-33.010 Intent and Purpose.**
- 10-33.012 Definitions.**
- 10-33.020 Posting of candidate information on City's public website.**
- 10-33.030 Inclusion of Candidate and Election Information in City Update.**
- 10-33.040 Violations of voluntary election Campaign Spending Limit.**

**10-33.010 Intent and Purpose.**

The purpose of this chapter is to provide all candidates for election to the City Council, regardless of financial resources, with a means, subject to conditions, to disseminate candidate information to the public.

**10-33.012 Definitions.**

As used in this chapter the following definitions shall apply:

(A) "Eligibility requirement" means that a candidate for election to the City Council has deposited in the candidate's campaign bank account campaign contributions, from persons other than the candidate, totaling \$1,000 or more and has provided verification of this to the City Clerk or has filed with the City Clerk a statement or statements, on a form supplied by the City Clerk, endorsing the candidate for election to the City Council signed by 100 registered voters of the City. The verification of contributions or the endorsing statement(s) of the candidate shall be filed with the City Clerk within a period of 14 days from the last day that Council candidate nomination papers may be filed with the City Clerk for the particular election. The City Clerk shall examine the verification or statement(s) and shall certify its/their sufficiency or reject the same.

(B) "Qualifying candidate" means a candidate for election to the City Council who has met, as certified by the City Clerk, one of the eligibility requirements set forth in this chapter.

**10-33.020 Posting of candidate information on City's public website.**

The City will provide each qualifying candidate space on its public website for the candidate's name, address, phone number, fax number, photograph and approved ballot designation, and a statement of no more than 500 words, of the candidate's education and qualifications expressed by the candidate himself or herself. Any statement submitted in excess of the 500 word limit will not be provided space on the City's website. No qualifying candidate may include within his or her statement any reference to another candidate, or the name of another committee, or other person or entity unless that candidate shall have previously obtained the written authorization of the candidate, committee, other person or entity, to use such reference within the statement. Proposed candidates' statements and an accompanying photograph (if any) of the candidate (including no more than the head and shoulders), shall be filed with the City Clerk by the nomination filing deadline for the City Council election to which it applies. The order of the photographs and candidates' statements and other information shall be the same as the ballot order as determined by the Secretary of State's drawing of a randomized alphabet for the applicable election. The City website shall contain a link to the League of Women Voters website so long as that website does not endorse or oppose candidates, covers Santa Rosa City Council elections, and provides equal access on the website to all City Council candidates.

**10-33.030 Inclusion of Candidate and Election Information in City's "Update".**

The City will provide space in a special election edition of the City's mailer publication "Update" that will provide one-half a page for each qualifying candidate for candidate information unless otherwise directed by the Council. The edition of "Update" will be printed using black ink on white 8 1/2 x 11" pages. The first page(s) will be for qualifying candidates' photographs, names, ballot designations, contact information, and a cross-reference to the page number that the qualifying candidate's statement appears in the that edition of the Update. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing, in block paragraphs.

The City will provide each qualifying candidate one half page for the candidate's name, address, phone number, fax number, photograph, ballot designation and website address and a statement of no more than 200 words regarding the candidate's education and qualifications expressed by the candidate himself or herself. Any submittal in excess of the 200 word limit will not be printed in the special election of "Update." No candidate may include within his or her statement any reference to another candidate, committee, or other person or entity unless that candidate shall have previously obtained the written authorization of the candidate, committee, or other person or entity, to use such reference within the statement. The order of the photographs and candidates' statements shall be the same as the ballot order as determined by the Secretary of State's drawing of a randomized alphabet for the applicable election. Qualifying Candidates' information for inclusion in the special edition of "Update" must be filed with the City Clerk by the nomination filing deadline for the City Council election to which it applies. The special election edition of "Update" shall be mailed to postal patrons within the City limits of the City of Santa Rosa no later than thirty days prior to the date of the next Council election."

**Section 2.** Section 10-33.012 of Chapter 10-33 of the Santa Rosa City Code is amended, effective January 1, 2009, to read as follows:

**"10-33.012 Definitions.**

As used in this chapter the following definitions shall apply:

(A) "Eligibility requirement" means that a candidate for election to the City Council has deposited in the candidate's campaign bank account campaign contributions, from persons other than the candidate, totaling \$1,000 or more and has provided verification of this to the City Clerk or has filed with the City Clerk a statement or statements, on a form supplied by the City Clerk, endorsing the candidate for election to the City Council signed by 100 registered voters of the City. The verification of contributions or the endorsing statement(s) of the candidate shall be filed with the City Clerk within a period of 14 days from the last day that Council candidate nomination papers may be filed with the City Clerk for the particular election. The City Clerk shall examine the verification or statement(s) and shall certify its/their sufficiency or reject the same.

(B) "Qualifying candidate" means a candidate for election to the City Council who has met one of the eligibility requirements set forth in this chapter as is and who has executed a Voluntary Election Campaign Spending Limit Agreement for the election and filed the executed agreement with the City Clerk. The City Clerk shall not accept an agreement for filing unless the City Clerk has certified that the candidate has met one of the eligibility requirements.

(C) "Voluntary Election Campaign Spending Limit" means a total campaign expenditures limit of \$45,000 for a City Council election. "Campaign expenditures" has the same meaning as "campaign expenditures" set forth in subdivision (b) of Government Code section 85400 and includes all such expenditures made by a candidate and controlled committee(s) of the candidate. The limit shall be automatically adjusted annually as of January 1<sup>st</sup> of each year, beginning January 1, 2011, based on the percentage change, if any, occurring over the prior 12 month period (January through December) in the U.S. Bureau of Labor Statistics CPI-U (Consumer Price Index - All Urban Consumers) for the San Francisco-Oakland-San Jose, California area.

(D) "Voluntary Election Campaign Spending Limit Agreement" means a form of agreement, approved by the City Attorney, under which, among other things, a candidate agrees to the Voluntary Election Campaign Spending Limit and acknowledges and agrees to the consequences of any violation of the campaign expenditure limit, as provided in this chapter."

**Section 3.** Section 10-33.040 is added, effective January 1, 2009, to the Santa Rosa City Code to read as follows:

**"10-33.040 Violations of Voluntary Election Campaign Spending Limit.**

Any candidate who has met one of the eligibility requirements and has executed and filed an executed Voluntary Election Campaign Spending Limit Agreement with the City Clerk and who makes one or more election campaign expenditures in excess of the spending limit set forth in the Agreement shall be liable to the City for such violation(s) in an amount equal to twice the total amount of all such expenditures which are in excess of the agreed to spending limit.

Any payment to the City for election campaign expenditures made in excess of the spending limit set forth in the Agreement shall be used to offset the costs to the City of disseminating candidate information to the public as set forth in this chapter."

**Section 4. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 5. Effective Dates.** This ordinance shall take effect on the 31st day following its adoption. Section 1 of this ordinance shall apply to all City Council elections held in the calendar year 2008. The amendment of, and the addition to Chapter 10-33 of the Santa Rosa City Code set forth in Sections 2 and 3 of this ordinance shall become effective on January 1, 2009 and shall apply to all City Council elections held after December 31, 2008. Ordinance 3686 shall continue to apply to the Council election held in November, 2006.

IN COUNCIL DULY PASSED AND ADOPTED this 15th day of January, 2008.

AYES: (4) Mayor Blanchard; Councilmembers Sawyer, Bender, Dean

NOES: (3) Councilmembers Gorin, Jacobi, Pierce

ABSENT: (0)

ABSTAIN: (0)

ATTEST:

City Clerk

APPROVE

Mayor

APPROVED AS TO FORM:

(d)(5)

City Attorney

**ORDINANCE NO. 3938**

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING AND AMENDING PROVISIONS OF THE SANTA ROSA CITY CODE RELATING TO COUNCIL ELECTION INDEPENDENT EXPENDITURES AND THE REPORTING THEREOF

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 10-34.030 entitled "Definitions" as set forth in the Santa Rosa City Code is amended to add subsections (F) and (G), to read as follows:

"(F) "Independent Expenditure." Independent expenditure means an expenditure made by any person or committee in connection with a communication which expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election but which is not made to or at the behest of the affected candidate or committee.

(G) Other Terms Defined. Except as specifically defined in this section, all words used in this chapter have the same definition as that set forth in the Public Records Act and the regulations adopted by California Fair Political Practices Commission (FPPC). (Ord. 3624 § 1, 2003; Ord. 3399 § 1, 1998; Ord. 3384 § 1, 1998; Ord. 3378 § 1 (part), 1998)"

Section 2. Section 10-34.120 is amended to read as follows:

**"10-34.120 Notice of independent expenditures.**

(A) Any person or entity who makes independent expenditures which aggregate to five hundred dollars (\$500.00) or more during an election cycle shall deliver notice in writing of such independent expenditure in support of or in opposition to any City issue or City Council candidate, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure. Such notice shall be filed with the City Clerk on a form prepared by the City Clerk for such purpose. The notice shall specifically state the name of the candidate or candidates whom the independent expenditure is intended to support or oppose and shall also include the information required to be provided in the Campaign Disclosure Statement (Form 465 or any successor form thereto) as provided by the California Fair Political Practices Commission and shall also provide the email address, if any, of the person or entity making the independent expenditure. Each independent expenditure shall require delivery of a new notice. Such notice shall be filed for the same reporting periods and be the same deadlines as are expenditures by candidates pursuant to the California Political Reform Act and by Section 10-32.016."

Section 3. Section 10-34.130 is amended to read as follows:

**"10-34.130 Disclosure Requirements.**

(A) Any person or entity making an independent expenditure of five hundred dollars (\$500.00) or more shall disclose in any political message produced by the expenditure, the full name, address, and phone number of the person or organization, the name of the registered agent,

the amount of the expenditure, and the specific statement that the advertisement of materials is not authorized by any candidate. Persons or organizations who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee controlled by a candidate. Such disclosure shall be printed in 12-point type or larger in any printed materials, and prominently displayed in any non-printed materials or message.

(B) Disclosure of Major Contributors. Any mailing financially supported by an independent expenditure committee shall indicate on the envelope containing the mailing, and on the mailing itself, the name of the committee, and the names of the top three financial contributors to the committee at the time the mailing is being prepared. This required disclosure shall be in substantially the following form: "This information is provided by [Name of Independent Expenditure Committee] and has been supported by [names of top three contributors]."

(C) Disclosure of name, address, and occupation and employer of contributor. If either the name, address, occupation and employer of an individual contributor (or if such individual is self-employed, the name of the business, if any, under which the individual is operating) is not on file in the records of the recipient of the contribution by the end of the reporting period in which the contribution was accepted, the contribution shall then be returned to the individual, or to the City's general fund, by the end of that reporting period. Notwithstanding the above, if a contribution does not designate the requisite information, the candidate or the candidate's committee may hold the contribution without returning it or depositing it into a campaign account for a period of up to fourteen (14) days while the requisite information is obtained. The required information shall be reported on Schedule A of Form 460, or any successor form thereto, as prepared by the Fair Political Practices Commission. Both the receipt and return of any such contribution shall be disclosed on the appropriate schedules of Form 460, or any successor form thereto, as prepared by the Fair Political Practices Commission."

Section 4. Current section 10-34.130 entitled "Enforcement of Chapter" is renumbered as: Section 10-34.140 "Enforcement of Chapter."

Section 5. The Council finds and declares that the purposes in adopting the provisions of this ordinance are to increase the availability of public information regarding candidates, campaign contributions, and expenditures, to minimize the potential influence and the appearance of influence caused by large election campaign contributions, and to insure that individuals and interest groups in our city will continue to have a fair and equitable opportunity to participate in the elective process.

Section 6. This ordinance is enacted to provide for the health, safety and welfare of the residents of the City of Santa Rosa by requiring the disclosure of significant contributions to political campaigns and at times not otherwise required by state law. This ordinance is adopted pursuant to the authority granted the City and its Council under the Santa Rosa City Charter and Government Code section 81013.

Section 7. The provisions of this ordinance and Chapters 10-32, 10-33, and 10-34 of the Santa Rosa City Code shall be liberally construed to accomplish their purposes.

Section 8. Severability. If any section, subsection, sentence, clause, or word of this ordinance is for any reason held invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and, to this extent, the provisions of this ordinance are severable.

Section 9. Environmental Determination. The adoption and implementation of the provisions of this ordinance are not subject to the provisions of the California Environmental Quality Act in that the Council finds and determines there is no possibility that the adoption and implementation of the provisions of this ordinance could have a significant effect on the environment.

Section 10. Effective Date. This ordinance shall be effective on and after the 31<sup>st</sup> day following its adoption, provided, however, that the provisions of Santa Rosa City Code sections 10-34.030, 10-34.120 and 10-34.130 as they were in effect on the day prior to the effective date of this ordinance shall remain in effect and applicable to all City Council elections and City ballot measure elections to which they applied and which were held prior to the effective date of this ordinance.

IN COUNCIL DULY PASSED AND ADOPTED this 16th day of March, 2010.

AYES: (7) Mayor Gorin, Vice Mayor Wysocky, Councilmembers Bender, Jacobi, Olivares, Sawyer and Vas Dupre

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST:

(d)(5)  
\_\_\_\_\_  
City Clerk

APPROVED:

(d)(5)  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

(d)(5)  
\_\_\_\_\_  
City Attorney